

raised by the Petitioner and responded to by Mike-Sell's. A brief Memorandum in Support and Proposed Order are attached.

Respectfully submitted,

/s/ Jennifer R. Asbrock

Jennifer R. Asbrock (Ohio #0078157)

jasbrock@fbtlaw.com

Catherine F. Burgett (Ohio # 0082700)

cburgett@fbtlaw.com

FROST BROWN TODD LLC

400 West Market Street, 32nd Floor

Louisville, KY 40202-3363

Telephone: (502) 779-8630

Facsimile: (502) 581-1087

Counsel for Mike-sell's Potato Chip Co.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court for the Southern District of Ohio by using the CM/ECF system, which will send a notice of electronic filing to the following, with hard copies served as follows on this 4th day of May, 2017:

Garey E. Lindsay, Regional Director
Linda Finch, Counsel for the General Counsel
National Labor Relations Board Region 9
3003 John Weld Peck Federal Building
550 Main Street
Cincinnati, Ohio 45202-3271
(via email at Linda.Finch@nlrb.gov)

John R. Doll, Counsel for Charging Party
c/o Doll, Jansen, Ford & Rakay
111 W. First St., Suite 1100
Dayton, Ohio 45402-1156
(via email at jdoll@djflawfirm.com)

Office of the General Counsel
c/o National Labor Relations Board
1015 Half Street SE
Washington, D.C. 20570-0001
(via U.S. mail)

/s/ Jennifer R. Asbrock
Jennifer R. Asbrock
Counsel for Mike-sell's Potato Chip Co.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - DAYTON**

**Garey E. Lindsay, Regional Director of the
Ninth Region of the National Labor Relations
Board, for and on behalf of the NATIONAL
LABOR RELATIONS BOARD,**

PLAINTIFF-PETITIONER,

v.

MIKE-SELL'S POTATO CHIP COMPANY,

DEFENDANT-RESPONDENT.

ELECTRONICALLY FILED

CASE NO. 3:17-cv-00126-TMR

**The Honorable Thomas M. Rose
Magistrate Michael J. Newman**

MEMORANDUM IN SUPPORT

On March 17, 2017, a Complaint was issued by the National Labor Relations Board (“Board”) against Respondent Mike-sell’s Potato Chip Company (“Mike-sell’s”) alleging that the Company violated the National Labor Relations Act by selling certain sales routes to independent drivers. While that Complaint was pending, the Regional Director of Region 9 of the Board petitioned this Court for an interim preliminary injunction, ostensibly to preserve the Board’s remedial powers. Thereafter, on May 3, 2017, General Truck Drivers, Warehousemen, Helpers, Sales and Service Casino Employees, Teamsters Local Union No. 957, affiliated with the International Brotherhood of Teamsters (hereinafter “the Union”) moved, pursuant to Rule 24 of the Federal Rules of Civil Procedure, for leave to intervene in the matter. The Court issued a Show Cause Order on May 4, 2017, related to the Union’s request and requested the parties respond by May 5, 2017.

Mike-sell’s does not object to the intervention in this matter by the Union but, if the Union’s Motion is granted, moves for leave to file a Supplemental Memorandum in Opposition

to Petition for 10(j) Injunction to address additional issues related to the just and proper standard under which a 10(j) injunction may be issued as Mike-sell's anticipates that the Union may raise additional arguments to those already raised by the Petitioner and responded to by Mike-sell's. Mike-sell's submits that no party will be prejudiced by permitting Mike-sell's the reasonable opportunity to file a Supplemental Memorandum addressing arguments it anticipates will be raised by the Union. Further, Mike-sell's anticipates that any Supplemental Memorandum will total ten or fewer pages, excluding the Certificate of Service.

Respectfully submitted,

/s/ Jennifer R. Asbrock

Jennifer R. Asbrock (Ohio #0078157)

jasbrock@fbtlaw.com

Catherine F. Burgett (Ohio # 0082700)

cburgett@fbtlaw.com

FROST BROWN TODD LLC

400 West Market Street, 32nd Floor

Louisville, KY 40202-3363

Telephone: (502) 779-8630

Facsimile: (502) 581-1087

Counsel for Mike-sell's Potato Chip Co.

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION - DAYTON**

Garey E. Lindsay, Regional Director of the
Ninth Region of the National Labor Relations
Board, for and on behalf of the NATIONAL
LABOR RELATIONS BOARD,

PETITIONER,

v.

MIKE-SELL'S POTATO CHIP COMPANY,

RESPONDENT.

ELECTRONICALLY FILED

CASE NO. 3:17-cv-00126-TMR

**The Honorable Thomas M. Rose
Magistrate Michael J. Newman**

**ORDER GRANTING RESPONDENT'S MOTION FOR LEAVE
TO FILE SUPPLEMENTAL MEMORANDUM IN OPPOSITION
TO PETITION FOR 10(J) INJUNCTION**

Respondent Mike-sell's Potato Chip Company, by counsel, having filed its Motion for Leave to File Supplemental Memorandum in Opposition to Petition for 10(j) Injunction, and the Court being duly advised, does now hereby approve and grant the Motion.

IT IS SO ORDERED